

ASSEMBLY BILL

No. 1049

Introduced by Assembly Member Koretz

February 22, 2005

An act to add Chapter 11 (commencing with Section 42570) to Part 3 of Division 30 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 1049, as introduced, Koretz. Recycling: food and beverage packages: labeling.

Existing law requires all rigid plastic bottles and rigid plastic containers sold in the state to be labeled with a code that indicates the resin used to produce the rigid plastic bottle or rigid plastic container.

This bill would prohibit a person, on and after January 1, 2007, from selling a food or beverage package, as defined, in the state unless the food or beverage package complies with the labeling requirements imposed by the bill. The bill would require a food and beverage package to be labeled with consumer disposal instructions consisting of a code indicating the appropriate disposal method of either "Trash," "Recycling," or "Compost," as specified. The bill would specify the criteria to be used to determine the disposal code required to be labeled on a food or beverage package.

The bill would allow a person to apply to the California Integrated Waste Management Board for a disposal code classification of an unclassified type of food or beverage package. The person would be required to pay a fee set by the board to cover the reasonable administrative cost of making this classification. The bill would require the board to deposit the fees collected in the Food and Beverage Classification Account, which the bill would create in the Integrated Waste Management Fund. The bill would authorize the

board to expend the fee revenues, upon appropriation by the Legislature, to implement the classification determination.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 11 (commencing with Section 42570) is
2 added to Part 3 of Division 30 of the Public Resources Code, to
3 read:

4
5 CHAPTER 11. RECYCLING OF FOOD AND BEVERAGE PACKAGING
6

7 42570. The Legislature finds and declares all of the following:

8 (a) Since the implementation of Section 18015 more than 15
9 years ago, consumers have struggled to understand plastic resin
10 identification codes that appear to indicate that all plastics are
11 suitable for curbside recycling.

12 (b) Consumer confusion about the proper disposal method of
13 food or beverage packaging results in the contamination of
14 recycling streams and the landfilling of recyclable containers.

15 (c) The removal of contaminants from curbside recycling
16 streams and the landfilling of recyclables cost local governments
17 and waste disposal rate payers millions in labor, equipment
18 damage, and lost bottle deposits and processor payments.

19 (d) Clear and concise consumer disposal instructions with
20 standardized codes will greatly reduce the contamination of our
21 recycling streams and the landfilling of recyclables.

22 42571. (a) For purposes of this chapter “food or beverage
23 package” means any box, bag, can, tub, bottle, cup, plate, tray,
24 pouch, or any container used to contain a food or beverage at the
25 point of retail sale.

26 (b) Notwithstanding subdivision (a), “food and beverage
27 package” does not include closures such as caps, lids, pull tabs,
28 or other removable closure devices constituting not more than 10
29 percent of the empty container by weight.

30 42572. On and after January 1, 2007, a person shall not sell a
31 food or beverage package in the state unless the food or beverage
32 package complies with this chapter.

1 (a) The food and beverage package shall be labeled with
2 consumer disposal instructions consisting of a code indicating the
3 appropriate disposal method from among the following, in
4 accordance with Section 42573:

- 5 (1) Trash.
- 6 (2) Recycling.
- 7 (3) Compost.

8 (b) A food or beverage package that is a multimaterial package
9 shall be labeled with a disposal instructions table clearly
10 identifying each component part that can be reasonably separated
11 by consumers and the component's appropriate disposal method.

12 (c) The disposal methods specified in paragraphs (1) to (3),
13 inclusive, of subdivision (a) shall be represented by a disposal
14 code consisting of a color-shaded circle with the disposal method
15 labeled below the circle. The circle shall be shaded in the
16 appropriate color and shall surround a three-letter abbreviation of
17 the appropriate color code in reverse type. The labels used shall
18 be as follows:

19 (1) TRASH = Circle shaded in black and abbreviated "BLK"
20 in reverse type.

21 (2) RECYCLE = Circle shaded in blue and abbreviated
22 "BLU" in reverse type.

23 (3) COMPOST = Circle shaded in green and abbreviated
24 "GRN" in reverse type.

25 (d) If a food or beverage package does not include four-color
26 printing, the packaging is not required to comply with the color
27 shading of the disposal code specified in subdivision (c), but
28 shall otherwise comply with the requirements of subdivision (c),
29 including color abbreviations.

30 42573. (a) The following criteria shall be used to determine
31 the disposal code required to be labeled on a food or beverage
32 package, which shall be published on the board's Web site:

33 (1) A food or beverage package accepted for recycling in
34 curbside collection programs serving at least 70 percent of the
35 state's households shall be labeled with a disposal code of
36 RECYCLE, as required by paragraph (2) of subdivision (b) of
37 Section 42572.

38 (2) A food or beverage package meeting standards specified in
39 subdivision (a) of Section 42357 for labeling as "compostable"

1 shall be labeled with a disposal code of COMPOST, as required
2 by paragraph (3) of subdivision (b) of Section 42572.

3 (3) A food or beverage package that does not meet the
4 requirements of paragraph (1) or (2) shall be labeled with a
5 disposal code of TRASH, as required by paragraph (2) of
6 subdivision (b) of Section 42572.

7 42474. (a) A person may apply to the board for a
8 determination of the disposal code classification for an
9 unclassified type of food or beverage package. The person shall
10 pay a fee set by the board to cover the reasonable administrative
11 cost of making this classification.

12 (b) The board shall deposit all fees collected pursuant to this
13 section in the Food and Beverage Classification Account, which
14 is hereby created in the Integrated Waste Management Fund, and
15 the fee revenues may be expended by the board, upon
16 appropriation by the Legislature, to implement this section.